

VII. CONSERVATION SUBDIVISION REGULATION

- A. PURPOSE:** A Conservation Subdivision is a subdivision in which a substantial amount of the site remains as permanently protected open space and the homes are grouped as a neighborhood on a portion of the site. The open space that is conserved can provide a variety of benefits to the community and the Town. It may support wildlife and habitats, protect water quality, be used for forestry or agriculture, or provide recreational opportunities. Under this approach, the Planning Board and Conservation Commission work with the developer to fit the development into the landscape in a way that maximizes the protection of important natural, historic and cultural amenities on the site and maintains the rural landscape and character of the community.
- B. APPLICABILITY:** This regulation may apply to new applications for new single-family residential development under the Conservation Overlay District, as shown on the map titled “Nottingham Conservation Overlay District” (dated January 14th 2008), as amended.
- C. DENSITY CALCULATIONS:** The applicant shall prepare a Development Yield Plan to demonstrate the maximum number of lots that may be developed in the Conservation Subdivision by using the following procedures:
1. The applicant shall:
 - a. Deduct the unsuitable lands (Floodplains, wetlands (by soil type), surface waters, groundwater sources, watershed protection areas, excessive slopes of twenty-five (25%) percent or more, drainage ways and areas where soil tests indicate unsuitability for subsurface waste disposal.
 - b. Reduce the calculated suitable land by ten (10%) percent to account for roads, drainage and utility easements.
 - c. Divide the reduced calculated suitable land by the minimum requirements of the minimum lot acreage for the underlying zone.
 - d. Round down the sum to determine the maximum allowed whole number of lots.
 2. The net density shall be no greater than the maximum number of lots permitted for the underlying zone, unless a density bonus has been granted by the Planning Board, as recommended by the Conservation Commission.
- D. PRE APPLICATION REVIEWS:** Applicants shall meet with the Conservation Commission prior to a formal application submission. The applicant shall prepare a Site Analysis (Enclosure 3 of the Subdivision Regulations) for the Conservation Commission to review. The Planning Board shall require that the applicant present written recommendations from the Conservation Commission and a copy of the site analysis as part of application acceptance. The Planning Board may require a third party review of the site analysis at the applicant’s expense.

- E. SUBMISSION REQUIREMENTS:** In addition to the Nottingham Subdivision Regulations standard application procedures and submission requirements, the application shall include for application acceptance and approval:
1. A Complete Conservation Subdivision Application and a Conservation Subdivision Review Checklist (**Enclosure 4** of the Subdivision Regulations).
 2. All applications shall be submitted to the New Hampshire Natural Heritage Bureau for review and their recommendations for protection of sensitive resources. A copy of the submission shall be submitted to the Planning Board and Conservation Commission.
- F. PLAT REQUIREMENTS:** The proposed Conservation Subdivision plan shall follow the following six (6) step process.
1. The applicant shall identify:
 - a. Conservation Overlay District Core Focus Areas and Supporting Landscape.
 - b. Existing conservation lands or other land permanently protected by conservation easements or under the management of a local or State Conservation Organization.
 2. The applicant shall identify the unsuitable land listed below:
 - a. Floodplains;
 - b. Wetlands (by soil type),
 - c. Surface waters,
 - d. Groundwater sources, watershed protection areas;
 - e. Excessive slopes of twenty-five (25%) percent or more;
 - f. Drainage ways; and
 - g. Where soil tests indicate unsuitability for subsurface waste disposal
 3. The Applicant shall designate the required **perimeter buffer** setback of one hundred (100) feet around the entire tract that may not contain any structures or individual house lots.
 4. The applicant shall provided for permanent protection of Public/Private Open Space which meets the following requirements:
 - a. The amount of public/private open space provided within the subdivision shall be equal to or greater than the sum of the following:
 - (1) A minimum of eighty (**80%**) **percent** of the unsuitable land that is not fit for building deducted from the gross area of the lot to determine the suitable land that is fit for building, and
 - (2) The minimum percentage of the calculated suitable land fit for building as set forth below:

- i. Conservation Core Focus Areas: Fifty (50%) Percent
 - ii. Conservation Supporting Landscape Areas: Forty (40%) Percent
 - iii. Wildlife Focus Areas: Fifty (50%) Percent
 - iv. Wildlife Corridor Areas: Forty (40%) Percent
 - v. All Other Areas: Thirty (30%) Percent
- If the parcel is located in two (2) or more Conservation Overlay District Areas, the percentage of the suitable land fit for building located in each area shall be calculated and the required minimum percentage of the suitable land fit for building shall be set aside for open space.

- 5. The Applicant shall then layout the proposed Class V or better road system.
- 6. The applicant shall draw in the lot lines for the proposed lots.

G. DEVELOPMENT CONSIDERATIONS: Developers shall make every effort to meet the following site design considerations:

- 1. New development, lots, roads and utility infrastructure shall be situated in the part of the parcel closest to pre-existing development and furthest from the central or most critical portions of the Conservation Overlay District Focus Areas to prevent fragmentation of forested and open space lands.
- 2. If the parent parcel(s) include land outside the Conservation Overlay District Focus Areas, as much of the development as possible shall be located outside the focus area unless the applicant demonstrates that no alternative is viable.
- 3. The Conservation Overlay District Focus Core Areas, Supporting Landscape, and Wildlife Areas shall maintain a minimum twenty-five foot (25') foot naturally vegetated no-cut buffer for all first, second and third order perennial and intermittent streams on either side to protect riparian habitat and water quality.
- 4. An Erosion and Sedimentation Control Plan and a Grading Plan shall be prepared and stamped by a professional engineer for all disturbances proposed on excessive slopes of twenty-five (25%) percent or more. These plans will show specific methods that will be used to control soil erosion and sedimentation, soil disturbance and removal, grading, and stormwater collection. These plans shall provide for temporary protection measures during construction and permanent protection measures in the post-development condition. These plans shall incorporate best management practices as recommended in the following documents: “*Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas In New Hampshire*” (1992, as amended); “*Innovative Storm water Treatment Technologies: Best Management Practices Manual*” (2002, as amended); and “*Best Management Practices to Control Nonpoint Source Pollution: A Guide for Citizens and Town Officials*” (January 2004, as amended).

5. The applicant shall prepare a Street Lighting Plan that complies with the Nottingham Outdoor Lighting Ordinance and meet the standards of the International Dark Sky Association for full-cutoff lighting fixtures to reduce off-site impacts of lighting on nocturnal wildlife species and minimize the negative effects of light pollution. <http://www.darksky.org/mc/page.do>
6. Comply with New Hampshire Code of Administrative Rules Chapter AGR 3800 regarding Invasive Species.
7. Preserve historic and cultural landmarks.
8. Preserve scenic vistas (i.e.- the southern overlook from Cooper Hill, east from Ginglass Hill, north from Tavern Hill, and the north view up the Little River Valley on the Strafford-Rockingham County line).

H. DESIGN STANDARDS:

1. **Buffers:** the following required no-cut, naturally vegetated buffers shall be monumented with site identification signs, approved by the Conservation Commission, every twenty-five (25') to fifty (50') feet at the applicant's expense. Additional buffering or landscaping may be required between building lots and open space areas if the Planning Board finds that such buffering is necessary to protect the integrity of the required open space area and rural character. An appropriate legal mechanism shall be established by the subdivider, subject to approval by the Planning Board as part of the approval of the subdivision, to assure that the buffer strip will be permanently protected and maintained.
 - (a) **Roadscape Buffer:** A minimum one-hundred (100') foot wide roadscape buffer strip shall be maintained along any public road existing as of March ??? 2007 to minimize the visual impact of the Conservation Subdivision on the roadscape. The roadscape buffer may allow for two (2) road cuts (ingress/egress), required emergency accesses, or underground utilities subject to approval of the Planning Board. The roadscape buffer strip shall not be crossed by any proposed driveways and shall not contain structures. The purpose of this buffer is to provide a visual screen from exterior roads by either retaining existing woodlands or by planting additional landscaping.
 - (b) **Perimeter Buffer:** A minimum twenty-five (25') foot wide perimeter buffer strip shall be maintained along the external perimeter of the Conservation Subdivision development area to minimize the impact on abutting properties. The perimeter buffer shall be included as part of each individual lot.
2. **Landscape**
 - (a) The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal. Not including the right-of-way for any access roadway, no more than twenty thousand (20,000) square feet of contiguous area shall be cleared for individual lot development. The

applicant shall leave and/or plant climate friendly trees along the proposed roadway.

- (b) Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. Cut and fill shall be limited to ten (10') feet vertically, and preferably less than six (6') feet. The applicant shall submit a calculation on all cut and fill proposed for the development to the Planning Board.
- (c) The orientation of individual lots shall be such as to maintain maximum natural topography and cover, make use of passive solar energy for lighting and heat, and minimize disturbance to the landscape.
- (d) Lots shall not be located on ridgelines, hilltops, along peripheral public roads, or in other visually prominent areas. The placement of buildings or other structures shall not detract from the visual setting or obstruct significant views. Buildings or other structures shall be placed downgrade from the ridgeline and shall be constructed and maintained in a manner as not to break the view or exceed the elevation of the immediate ridgeline as viewed from significant viewpoints on public roadways.
- (e) Stream and wetland crossings shall be eliminated whenever possible. When necessary, stream and wetland crossings shall be designed to facilitate animal passage and accommodate peak flows of water for a 50-year event.
- (f) All stormwater drainage shall be designed for a **ten (10)** year storm event. The drainage design calculations shall be submitted for compliance. The report shall include referenced exhibits, USGS maps, plan sheet, and other documents used to determine rainfall runoff drainage areas. Drainage pipe sizing, catch basin, ditch designs, and stone for erosion control calculations shall be included in the report.
- (g) Existing stone walls shall have limited road cuts and be replaced where feasible.

3. Roads:

- (a) Roads shall be curved to follow the natural topography with no straight segment extending more than three-hundred (300) feet.
- (b) Roads right of ways shall be 50-feet in width.
- (c) Roads shall have a minimum of 4-foot crushed gravel shoulders and a minimum of 4-foot grassed swales on either side of the proposed road.
- (d) The minimum road sight distance for the proposed road shall be a minimum of 250-feet.

- (e) Roads with cul-de-sacs shall only be allowed in Conservation Subdivisions with approvals from the Road Agent, Fire Department and Planning Board.

(1) Standard requirements for roads with cul-de-sacs:

- One thousand (1,000) feet in length measured from a Class V road to the radius point of the cul-de sac
- Roads with cul-de-sacs shall be terminated by a circular turnaround of a sixty (60) to ninety (90) foot paved diameter with a turning radius of at least twenty (20) feet.
- The minimum paved travel width shall be 18-feet; the maximum paved travel width shall be twenty-two (22) feet.
- A minimum cul-de sac centerline of one hundred (100) feet. The centerline of the cul-de-sac shall be aligned with the centerline of the road.
- A minimum tangent length between reverse curves of seventy-five (75) feet.
- Each road with a cul-de-sac shall provide a mandatory four (4) foot wide crushed gravel pedestrian/bike path to link residences and adjacent land uses at the recommendation of the Conservation Commission.
- Emergency accesses as recommended by the Road Agent and Fire Chief. All emergency accesses shall be required to provide a Knox box.
- The center of the circular turnaround shall not be paved. At the Planning Boards discretion, this area may be naturally vegetated, landscaped or be the designated area for a Fire Cistern (Fire Chief approval)
- At the Planning Board's discretion, additional roads with cul-de-sacs may be allowed from the stem of a proposed road with a cul-de-sac if additional emergency access is proposed and approved by the Fire Chief.

(f) **Frontage**

Lots shall be laid out to minimize the number of curb cuts through the use of shared or common driveways.

Driveways other than a shared or common driveway, shall be one hundred (100) feet apart or greater.

4. Low Impact Development

- (a) Proposals are encouraged to use Low Impact Development techniques, which focus on site design to reduce runoff and maintain existing hydrology features and stormwater controls by using nonstructural stormwater control methods when feasible and creating multi-functional landscapes and infrastructures while using Best Management Practices and landscape features throughout the site to manage stormwater and control

non-point source pollution. These techniques serve to impact less sensitive areas. The development shall be designed to:

- (1) Minimize clearing and grading (i.e. - shorter roads, shared driveways;
 - (2) Minimize and disconnect impervious surfaces;
 - (3) Minimize the quantity and velocity of surface runoff;
 - (4) Include onsite/on-lot management of runoff in addition to using small-scale integrated management practices distributed throughout the site;
 - (5) Allow for overland sheet flow, involve wider rougher and longer flow paths and include pockets of vegetation in the flow path;
 - (6) Include on-lot bioretention facilities, dry wells, filter and buffer strips, grassed swales, bioretention swales, wet swales, cisterns and infiltration trenches;
 - (7) Direct runoff from impervious surfaces to areas on the property where the water can seep into the ground. (i.e. gravel swale, grassed area, or rain barrels, rain gardens); and
 - (8) Maintain and restore natural vegetated areas as buffers.
- (b) It is recommended that the applications retain existing or native trees surrounding each home to contribute to the efficiency of the heating and cooling systems. Deciduous trees help cool homes in the summer months and in the winter, these trees loose their leaves and allow the home to be warmed by solar heat, especially if along southern exposure windows. Passive solar heat is an excellent resource for heat as well as for water heating.
- (c) Applicants are encouraged to consider the use of community wastewater systems and community water .

I. OPEN SPACE REQUIREMENTS:

1. **Protected Resources:** Protected resources include but are not limited to: floodplains, wetlands, riparian areas, habitat for populations of threatened or endangered species, wildlife corridors, cemeteries, scenic view sheds, contiguous woodlands/areas, productive agricultural or forest soils, existing or planned hiking, biking, walking trails through the site, existing natural and historic features, and other features which would add value to the subdivision such as trees, watercourses, falls, brooks, stone walls, foundations, orchards, rural landscape (as defined in the Nottingham Master Plan), historic buildings, historic spots and similar irreplaceable assets.
2. **Private/Public Open Space:** A contiguous area, which shall be permanently protected as open space. Land not considered as suitable includes: wetlands, floodplain, watershed protection area, drainage ways, excessive slopes of twenty-five (25%) percent or more, or where soil tests indicate unsuitability for subsurface waster disposal. At no point shall the contiguous area funnel below 100' feet in width.

Land containing the following shall be considered high priority for inclusion in the open space: riparian areas and other water resource buffers; critical or high-quality habitat areas and buffers to these areas; high quality forest resources; high-quality soil resources (forest or agricultural soils); cultural and historic resources (e.g., stone walls, cemeteries, town commons); existing trails; areas that connect to protected open space on adjacent properties; ridgelines that continue through the parcel; view shed areas, open fields and farm lands.

3. **Minimum Open Space:** There shall be a minimum of ten (10) contiguous acres conserved as part of the open space. Areas excluded from the calculation of the required open space are: lot envelopes, roadways, driveways, access roads, road right of ways, existing or proposed utility easements, buffers less than one-hundred (100) feet wide. The required minimum open space may be open to the public as **public open space** or may be open **space held by an individual abutting lot for the development as private open space**.

Does the CC want multiple 10 acre areas or one open space?

4. **Stewardship:** For properties containing the required minimum Open Space protected under a conservation easement to be held and/or enforced by the Town, the State or a Land Trust, a one-time stewardship fee, as determined by the easement holder, shall be provided to the easement holder to be held in a separate trust account and used to support the baseline inventory and annual monitoring and enforcement of the conservation easement.
5. **Public Access:** Public access shall be required for the following:
 - (a) If the land is conveyed in fee simple to the Town or a Land Trust.
 - (b) If a specific public trail corridor easement is enacted.
 - (c) If the land forms a link between two parcels each with public access.
6. **Restrictions:** Provisions of such conservation easements or deed restrictions are subject to the approval of the Planning Board and shall include:
 - (a) No further subdivision.
 - (b) No residential, industrial or commercial uses, except for agriculture or forestry. Any forestry activity shall be in accordance with the Basal Area Law RSA 227-J:9 and shall use as guidance for best forest management practices the “Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire” Department of Resources and Economic Development (DRED) 2004 as amended, Best Management Practices for Forestry: Protecting New Hampshire’s Water Quality 2005 as amended, “Good Forestry in the Granite State” (DRED).
 - (c) No residential roads.
 - (d) Provisions for maintenance of the required open space areas if necessary for their preservation.
7. **Allowable Uses:** Allowable uses include: pedestrian use, trails, gardening, hay fields, agricultural uses, forestry and management, non motorized low impact and passive recreational activities using Best Management Practices. Recreational

activities may include hunting, fishing, snow-shoeing, cross-country skiing, and nature study.

- (a) **Trails:** Trails shall be constructed and maintained in accordance with Best Management Practices as set forth in “Best Management Practices for Erosion Control During Trail Maintenance and Construction” (DRED 1994). The use of trails shall be limited to non-motorized activities.
- (b) **Agricultural:** Agricultural uses including animal husbandry that are specifically approved by the Conservation Commission and Planning Board as part of the subdivision approval.
- (c) **Forestry:** forestry and forestry management that is specifically approved by the Conservation Commission and Planning Board as part of the subdivision approval.

8. **Ownership and Protection of the Required Open Spaces Area:** The Required Open Space areas shall be permanently protected. A conservation easement shall be granted in one or more of the following ways, subject to the approval of the Planning Board:

- (a) **Private Open Space:** The developer may choose to have the required open space held by **one (1) of** the abutting lots. Access to a privately held open space shall be accessible to all the lots within the subdivision. Conveyances of land to one (1) of the subdivision lots, will be subject to permanent conservation easements granted to the Town, the State, or Land Trust and recorded at the Rockingham County Registry of Deeds. The private open space shall be subject to stewardship fees.
- (b) **Public Open Space:** The developer may choose to provide the Town, the State or a Land Trust with:
 - (1) **Conservation Easements** - A conservation easement is a voluntary, legal agreement between a landowner and a qualified conservation organization or government agency that permanently limits a property’s uses in order to protect its natural resource values. The easement becomes a permanent part of the title, and is recorded with the Rockingham County Registry of Deeds. Land under easement may be public or privately owned by one property owner. Future landowners must comply with the terms of the easement. Land protected by conservation easement shall be inspected annually by the easement holder (Town, the State or a Land Trust) to ensure compliance with easement terms. An easement restricts development and other land uses to the extent necessary to protect the significant conservation values of a particular property. If the grantor should violate the provisions or purpose of the easement, the grantee has the power to enforce the easement through a court ordered injunction.
 - (2) **Dedication of Land:** The advantages of dedicating the open space land include transferring the ongoing maintenance costs and monitoring duties to another party. The development can relieve

itself of the economic burdens associated with owning the open space land while retaining the benefits of the public open space. Additionally, the developer can receive a substantial sum of money and/or deduction in their taxes pursuant to the transfer of title.

- i. **Fee Simple Acquisition** - The Town, the State or a Land Trust may choose to purchase land outright for conservation purposes. Fee simple acquisition means the conservation buyer has absolute ownership of the property, including the full suite of responsibilities that ownership entails.
- ii. **Bargain Sale** – A landowner may choose to sell the open space land at a bargain sale (less than fair market value) to the Town, the State or a Land Trust. Bargain sales are advantageous for the seller who receives cash and a federal income tax break for the difference between fair market value and the sale price.
- iii. **Fair Market Value Purchase** – A landowner may choose to sell the open space land at full price to the Town, the State or a Land Trust. The Fair Market Value appraisal shall be determined by a qualified real estate appraiser at the applicant's expense.

- (3) **Gift or Donation** – A landowner may choose to make a charitable donation of the conservation easement to the Town, the State or a Land Trust. A charitable donation is an outright gift in exchange for federal income tax deductions.

- 9. **Protection and Management of the Required Open Space:** Future development in and/or subdivision of the Open Space shall be prohibited and shall be so noted on the approved subdivision plan. Prior to the recording of the mylar, the required Open Space shall be protected and controlled by the Town, the State, a Land Trust or an abutting lot with a conservation easement to the Town, the State or a Land Trust. The Open Space deed restrictions and/or conservation easement documents shall be duly recorded at the Rockingham County Registry of Deeds. Such documents shall clearly indicate the types and points of public access that the property is open to all residents of the municipality.
- 10. A Management Plan for the required Open Space shall be prepared and approved by the Planning Board and Conservation Commission. The Management Plan shall include the following:
 - (a) Identity of the party assuming responsibility for stewardship and monitoring the required Open Space, including regular inspections to confirm continued compliance with the terms of the subdivision approval and conservation easement or deed restrictions;
 - (b) Detailed standards and schedules for maintenance of the required Open Space, including maintenance of vegetation and forests;

- (c) Allows for municipal maintenance in the event that the maintenance specified under the agreement is not completed and recovery of costs incurred from the designated management entity or the owners of the required Open Space within the subdivision;
- (d) Provides that any amendments to the Management Plan shall be reviewed and approved by the Conservation Commission and the Planning Board.
- (e) In the event that the entity established to own and maintain open space area, or any successor thereto, fails to properly maintain all or any portion of the aforesaid areas, the Town may serve written notice upon such entity setting forth the manner in which the entity has failed to maintain the aforesaid area. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the entity, or any successor, shall be considered in violation, in which case the Town shall have the right to enter the premises and take the needed corrective actions. The costs of corrective actions by the Town shall be assessed against the properties that have **the right of enjoyment** of the areas. The recitation shall include a description of the parcel, enforcement authority under RSA **674:21-a**, and the Management Plan.

J. Common Open Space: (Not to be confused with the required Private/Public Open Space)

- 1. A development may have common open space separate from the required open space for the use of common facilities or recreational areas exclusive to the development. A common access for the common open space shall be provided for the lots within the development.
- 2. Common open space, such as the area used for support facilities necessary for the subdivision including: stormwater management facilities, underground utility lines, community water supply, community wastewater systems, or related development facilities; village green, a small park or similar land within or related to a Conservation Subdivision that is designed and intended for the common use or enjoyment of the residents of the development may be fractionally owned by individual members of the development. It shall be protected from further development by conservation easement or deed restriction.
 - (a) Individual or group underground wastewater disposal systems or parts thereof, provided that this use was approved as part of the subdivision plan and that appropriate legal arrangements are established and approved by the Planning Board for the maintenance and operation of these facilities.
- 3. The applicant, when proposing a common open space, shall be required to provide for the establishment of a Homeowner's Association, or similar entity, to manage in perpetuity all land and improvements within common open space that are to be owned in common (park-park, common facilities). Articles of Homeowners Association must be acceptable to the Planning Board after legal review prior to final approval and recording at the Rockingham County Registry of Deeds.

K. INCENTIVES:

1. The Planning Board may allow incentive lots to the developer when:
 - (a) The Open Space is held by a conservation easement by the Town, the State or a Land Trust; or the Open Space is donated and accepted by the Town, the State or a Land Trust; and
 - (b) A greater percentage of suitable land fit for building is conserved in open space than required.
2. Incentive Lot Calculation: Additional lots, not to exceed ten (10%) percent over and above the calculated net density, may be awarded at the discretion of the Planning Board for the following:
 - (a) Permanent conservation of greater than fifty (50%) percent of the suitable land fit for building designated as open space shall receive a five (5%) percent increase in the allowable number of lots for every additional ten (10%) percent of suitable land fit for building protected in the open space.

Examples:

- 20 lot subdivision: 60% suitable land fit for building in open space could gain 1 bonus lot; 70% suitable land fit for building in open space could gain 2 bonus lots.
- 40 lot subdivision: 60% suitable land fit for building in open space could gain 2 bonus lots; 70% suitable land fit for building in open space could gain 4 bonus lots.

- L. **Legal Review:** Prior to final approval by the Planning Board, the applicant shall submit for review by the Town Counsel any restrictive covenants, condominium or cooperative agreements, conservation easement language, or other legal agreements proposed for use in the Conservation Subdivision at the applicant's expense. The Town Counsel shall advise the Planning Board of the adequacy of such legal provisions
- M. **Saving Clause:** All Conservation Subdivisions shall, in addition to the requirements of this Ordinance, comply with applicable standards contained in the Subdivision Regulation, as well as all other applicable Town and State regulations and policies.

The requirements, restrictions and prohibitions of the underlying zoning districts shall continue to apply to the extent that they are not inconsistent with the provisions of this section. If any provision of this Ordinance is found to be unenforceable, such provision shall be considered separable and shall not be construed to invalidate the remainder of the Ordinance. In the event that the requirements of this Ordinance differ from another federal or state statute, the more stringent requirement shall apply.

In determining site suitability, in all cases where two or more classifications, areas and/or districts overlay, that with the most restrictive regulations shall apply. The minimum lot size, lot cover, prohibited uses of the more restrictive overlay shall supercede.

N. DEFINITIONS

Access – A path or route, which may be lawfully used for foot traffic to enter upon an open space.

Best Management Practices - Best management practices are those practices that are currently believed to provide the most effective, practicable means of managing stormwater runoff and preventing or reducing the likelihood for soil erosion and sedimentation problems. **What about amendments?**

Bioretention Area - A practice to manage and treat stormwater runoff by using a conditioned planting soil bed and planting material to filter runoff stored within a shallow depression. The system can include the following components: a pretreatment filter strip of grass in an inlet channel, a shallow surface water ponding area, a bioretention planting area, a soil zone, an underdrain system, and an overflow outlet structure.

Buffer Strip –A naturally vegetated or landscaped contiguous buffer strip to minimize the visual impact of the Conservation Subdivision. No parking, buildings, structures, accessory buildings, septic systems, wells, fences or recreational facilities shall be permitted within this buffer strip. Where a naturally vegetated buffer does not exist, a landscaped buffer of native drought tolerant species shall be planted subject to approval by the Conservation Commission and Planning Board as part of the approval of the subdivision. Appropriate legal mechanisms shall be established by the property owner, subject to approval by the Planning Board as part of the approval of the subdivision, to assure that the buffer strip will be permanently protected.

Community Wastewater System - A non-municipal wastewater disposal system that serves more than one lot. When this type of system is proposed, the design and specifications for the same shall be submitted and shall have been certified by a New Hampshire registered professional engineer. This system is for the collection and processing via leach fields, the effluent from more than two septic tanks, including all of the pipes, valves and other equipment, land and easements necessary for operating such a system. All of the leaching equipment will be in a single common ownership, though the septic tanks may not.

Community Water Supply: A non-municipal water supply system that serves more than one lot. When this type of system is proposed, the design and specifications for the same shall be submitted and shall have been certified by a New Hampshire registered professional engineer.

Conservation Easement - As prescribed in New Hampshire RSA 79-B:2 a Conservation Easement means a permanent restriction of open space land by deed granted in perpetuity, and further, as defined by RSA 477:45, I, to a federal, state, county, local or other government body, or to a charitable, educational, or other nonprofit corporation established for the purposes of natural resource conservation and as further defined in RSA 79-B:2, X.

Contiguous - The term contiguous shall be construed to mean areas that form or represent a single features that is touching at a common property line or other type of boundary.

Cul-de-Sac: A dead-end road with only one inlet/outlet, which provides a turnabout.

Development Area – An area where land disturbance will occur.

Development Yield Plan: An analysis showing the maximum number of single-family lots that may be permitted within a Conservation Subdivision.

Dry Well - A small excavated pit backfilled with aggregate, usually pea gravel or stone. Used to infiltrate runoff from building rooftops and in modified catch basins, where the inflow is direct surface runoff.

Emergency Access: Access for emergency municipal use, which may also be used as a pedestrian/bike access.

Fit for Building - For Conservation Subdivision purposes, fit for building means any land, which is not classified as floodplain, wetland, watershed protection area, drainage way, and does not have slopes of twenty-five (25%) percent or more and where soil tests indicate suitability.

This can be removed if approved by Town vote

Frontage – For Conservation Subdivision purposes, frontage means a length of one hundred (100') contiguous feet bordering on a Class V road or better. *This can be removed if approved by Town vote*

Grassed Swale - An engineered grassed channel to transport stormwater. Dry swales facilitate quality and quantity control by allowing for infiltration. Wet swales use retention time and natural growth of water-tolerant vegetation to regulate flow and quality of stormwater before discharge.

Impervious Surfaces - A material or surface, which prevents or retards the passage of water. It shall include but not be limited to: building roofs, parking and driveway areas, graveled areas, sidewalks, and paved recreation areas.

Infiltration Basin or Pond - A grassed, flat-bottomed basin preceded by a sediment forebay or riprap apron to slow the flow of water and trap sediment. Water is slowly infiltrated into the soil, usually over several days.

LOT ENVELOPE - For Conservation Subdivision purposes, lot envelope means the minimum contiguous square foot upland buildable soil area, depicted on a plat, which is being designated as a suitable area that can meet all local and State requirements. The contiguous square foot area shall also be of adequate width and/or depth so as not to create an hourglass effect of less than fifty (50') feet at the narrowest point. The lot envelope shall not include areas unfit for building and their appropriate setbacks or building setbacks. *This can be removed if approved by Town vote.*

Low Impact Development (LID)– An approach to land development that uses various land planning and design practices and technologies to simultaneously conserve and protect natural resource systems and reduce infrastructure costs. LID still allows land to be developed, but in a cost-effective manner that helps mitigate potential environmental impacts

Parent Lot: A lot of record that existed before the adoption of regulation.

Ridgeline- An area of higher ground separating two adjacent streams or watersheds.

Riparian Area: An area of land adjacent to a body of water such as a river, stream, pond or lake.

Site Analysis- An evaluation of suitability for a specific piece of property for a specific development proposal in light of applicable development regulations. This includes but is not limited to building setbacks, building density, adequate parking, wetlands, excessive slope of twenty-five (25%) percent or more , erosion concerns, significant riparian areas, and wildlife areas. **What about a resource site analysis, via Durham?**

Structure- For Conservation Subdivision purposes, means that which is built or constructed with a fixed location on the ground or attached to something having a fixed location on the ground, whether installed on, above or below the surface of land. ***This can be removed if approved by Town vote***

- Structure includes but is not limited to a building, barn, swimming pool, manufactured home, mobile home, septic system, well, gas or liquid storage tank, deck, porch, balcony, breezeway, carport or garage.
- Structure shall not include boundary wall or fence.

Surface Water – Water from lakes, ponds, rivers, streams, creeks, springs, or vernal pools.

Upland Soils - Soils that do not contain any wetland area.

Vernal Pool - A confined basin depression without a permanent above ground outlet that, at least in most years, holds water and for a minimum of two (2) continuous months during the spring and/or summer; contains and/or supports the breeding of wood frogs and/or mole salamanders; and is free of adult fish populations.

View Shed: An area of land, water, other environmental elements, scenic or historic value that is deemed worthy of preservation against development or other change.

January 29th version

Note to self: renumber Section VII-Officers, Hardship Exemption, Penalties to Section VIII.